



Practitioner's Docket Nos. 22379-707 through -711

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Attorney Docket No.: Serial No.: Filed: For:	PARTOVI, Hadi, et. al. 22379-707 09/513,236 24 February 2000 Method and Apparatus for Content Personalization over a Telephone Interface with Adaptive Personalization	Group No.: Examiner:	Not Yet Assigned Not Yet Assigned
In re application of: Attorney Docket No.: Serial No.: Filed: For:	PARTOVI, Hadi, et. al. 22379-708 09/513,237 24 February 2000 Method and Apparatus for Content Personalization over a Telephone Interface with Locale-Based Personalization	Group No.: Examiner:	Not Yet Assigned Not Yet Assigned
In re application of: Attorney Docket No.: Serial No.: Filed: For:	PARTOVI, Hadi, et. al. 22379-709 09/521,246 8 March 2000 Method and Apparatus for Content Personalization over a Telephone Interface with Time and Date Based Personalization	Group No.: Examiner:	Not Yet Assigned Not Yet Assigned
In re application of: Attorney Docket No.: Serial No.: Filed: For:	PARTOVI, Hadi, et. al. 22379-710 09/523,853 13 March 2000 Method and Apparatus for Content Personalization over a Telephone Interface with Adaptive Voice Character	Group No.: Examiner:	Not Yet Assigned Not Yet Assigned
In re application of: Attorney Docket No.: Serial No.: Filed: For:	PARTOVI, Hadi, et. al. 22379-711 09/524,680 14 March 2000 Method and Apparatus for Content Personalization over a Telephone Interface with Automatic Profile Generation	Group No.: Examiner:	Not Yet Assigned Not Yet Assigned

Assistant Commissioner for Patents  
Washington, D.C. 20231

AFFIDAVIT OF ERIK OLIVER IN SUPPORT OF  
TELLME NETWORK'S PETITION UNDER 37 § 1.47

The following affidavit is made based on my information, belief, and knowledge:

### Background

1. The following statements apply with equal force to each of the above captioned cases since in each of the above cases the same inventor, Zhe Li, is unavailable for the same reasons.
2. I am currently Intellectual Property Counsel for Tellme Networks, Inc. ("Tellme").
3. Prior to working at Tellme, I was patent counsel for Tellme in my capacity as an Associate of Wilson Sonsini Goorich & Rosati, P.C.
4. I have personal, firsthand knowledge of the efforts taken by Tellme to reach the unavailable inventor Zhe Li as they have occurred under my direction in both my capacity as outside patent counsel and in house patent counsel.

### Facts about Mr. Li

5. Zhe Li is a Chinese national.
6. Zhe Li went by Anglicized name "Jay Li" and was first introduced to me as such.
7. Zhe Li left Tellme's employment on or about 17 December 1999 and sent an office wide electronic mail message indicating the same. (See Exhibit 1).
8. Zhe Li left Tellme on amicable terms of his own will to pursue, in his words, his "entrepreneurial interests" in China. (See Exhibit 1)
9. Zhe Li provided a future contact information comprising an electronic mail address of "zhe\_li@firstwater.com" ("Firstwater e-mail address"). (See Exhibit 1)
10. Additionally, a telephone number in the San Francisco Bay Area was provided, 650-756-9265.
11. Separately, through discussions with other employees at Tellme, a second electronic mail address for Zhe Li of "jay\_zhe\_li@yahoo.com" was located. ("Yahoo e-mail address")
12. Tellme has the following postal address for Mr. Li in our employment files:

75 Poncetta Drive, #2

Daly City, CA 94015

### Tellme's Diligent Efforts to Contact Mr. Li

13. On or about 14 April 2000, it was brought to my attention that Zhe Li no longer worked for Tellme.
14. On or about 20 April 2000, I was notified that Zhe Li had been sent electronic mail requesting his cooperation at his Yahoo e-mail address.
15. As of 31 May 2000, no reply was received to the above request.

16. On 31 May 2000, I personally sent Zhe Li a follow up electronic mail request for his assistance to both his Firstwater and Yahoo e-mail addresses. (Exhibit 2)
17. As of 9 June 2000, no reply was received to the above request.
18. Despite knowing that Zhe Li could not be at the postal address in our file (since he indicated he was moving back to China), I personally sent a letter to that address by both Federal Express and certified mail (return receipt requested). (Exhibits 3-5)
19. On 6 June 2000, the Federal Express letter was returned as undeliverable.
20. On 9 June 2000, the certified return receipt requested letter was returned as undeliverable.
21. On 31 May 2000, I placed a call to the last telephone number he provided us (See 10, above). No parties could be reached at that number (number did not ring, phone company error message played back indicating to check the number and dial again).
22. On information and belief, Zhe Li's "green card" has expired and he is no longer entitled to be in the United States.
23. On information and belief, Zhe Li is no longer in the United States and will not be returning to the United States in the foreseeable future.
24. On information and belief, no address for Zhe Li in China is known to Tellme.
25. On information and belief, Zhe Li has been unable to receive Tellme's attempts at communication at the electronic mail address(es) Mr. Li provided to us.
26. On information and belief, if Zhe Li was able to respond to our communications he would do so and would cooperate in completion of the formalities. (See Exhibit 1)

#### Exhibits

27. On information and belief, Exhibit 1 is an accurate print out of an electronic mail message sent by Zhe Li on or about 17 December 1999 to all Tellme employees.
28. Exhibit 2 is an accurate print out of an electronic mail message sent by the undersigned to the last known electronic mail addresses in Tellme's possession for Zhe Li.
29. Exhibit 3 is a photocopy of a letter sent to Zhe Li by the undersigned on 31 May 2000 both by Federal Express and certified mail (return receipt requested).
30. Exhibit 4 is a photocopy of the Federal Express airbill for the letter of Exhibit 3.
31. Exhibit 5 is a photocopy of the certified mail receipt for the letter of Exhibit 3.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Erik Olver (Registration No. 46,296)


Intellectual Property Counsel

Tellme Networks, Inc.

1310 Villa Street

Mountain View CA 94041

+1 (650) 930-9140



Date

**Erik Oliver**

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**From:** Jay (Zhe) Li [zhe\_li@tellme.com]  
**Sent:** Friday, December 17, 1999 6:10 PM  
**To:** office@tellme.com  
**Subject:** farewell from Jay Li

Dear All,

Today will be my last day at Tellme. I will be moving back to China in order to stay closer to my family, and pursue my entrepreneurial interests in the Internet market there. It was a very difficult decision on my part - not only a significant portion of my adult life has been spent in the States, but also the fact that Tellme is well poised to ascend to stellar success in the future made it a taxing tradeoff for me. However, I eventually came to the realization that my best competitive advantages and opportunities lie in my home country, where the competition is less fierce, and opportunities still abound for me to build something great. Besides, I need to better take care of my loving and aging parents whom I haven't seen for more than eight years.

I appreciate Tellme's gracious efforts trying to accomodate my personal objectives. And I dearly treasure the experience and the relationships I had with the Tellme folks, and wish everyone the best being part of the amazing "Tellme phenomenon". Hopefully these would continue to grow over time. I have attached my personal contact information below for future correspondence.

Best of luck to you all! It's been a wonderful ride for me, and hopefully an even more rewarding experience for all of you!

Jay Li  
650-756-9265 (phone)  
zhe\_li@firstwater.com

**Erik Oliver**

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**From:** Erik Oliver [elo@tellme.com]  
**Sent:** Wednesday, May 31, 2000 7:39 AM  
**To:** zhe\_li@firstwater.com; jay\_zhe\_li@yahoo.com  
**Cc:** elo@tellme.com  
**Subject:** Tellme - patent paperwork

Jay:

We need to reach you to have you sign some papers (facsimile is ok, or we can have the couriered to you in China) for patent purposes. This will complete the formalities associated with the cases we filed relating to your time at Tellme.

Please contact me as soon as possible to arrange for signature of the papers.

Regards,  
Erik Oliver

(PS: I decided to join Tellme.)

--  
Erik Oliver  
Intellectual Property Counsel  
Tellme Networks, Inc.  
1310 Villa Street  
Mountain View CA 94041

	+1 (650) 930-9140
Main	+1 (650) 930-9000
Fax	+1 (650) 931-9101
Email	<elo@tellme.com>

Tellme.

Exhibit 3



May 31, 2000

VIA FEDERAL EXPRESS AND POSTAL MAIL

Jay Li  
75 Poncetta Drive, #2  
Daly City, CA 94015

Dear Jay:

We are in need of your cooperation in completing some formalities associated with the patent applications we filed relating to your work at Tellme Networks.

Our previous efforts to contact you at the electronic mail addresses you provided us when you departed Tellme have been unsuccessful.

Please contact me so that we can provide you the appropriate paperwork. If you are unwilling to complete the paperwork, please contact me as well and so indicate. My direct line is +1 (650) 930-9140 and I can be reached by electronic mail at <elo@tellme.com>.

Sincerely,

Erik Oliver  
Intellectual Property Counsel

Exhibit 4


**FedEx** USA Airbill

 FedEx  
Tracking  
Number

8195 7224 2818

## 1 From Please print and press hard.

 Date 5/31/2000 Sender's FedEx Account Number 2132-8590-4

 Sender's Name ERIK OLIVER Phone (650) 930-9140

 Company TELLME NETWORKS INC

 Address 1310 VILLA ST

 City MOUNTAIN VIEW State CA ZIP 94041

## 2 Your Internal Billing Reference

First 24 characters will appear on invoice.

OPTIONAL

 3 To Recipient's Name Jay Li Phone (650) 756-9265

 Company —

 Address 75 Poncetta Dr, #2

To "HOLD" at FedEx location, print FedEx address.

We cannot deliver to P.O. boxes or P.O. ZIP codes.

 City Daly City State CA ZIP 94105

NEW Peel and Stick FedEx USA Airbill

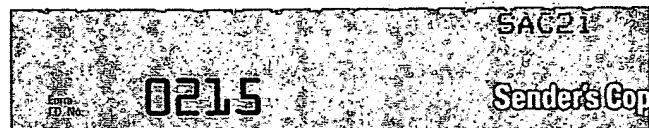
See back for application instructions.

Questions? Call 1-800-Go-FedEx® (800-463-3339)

Visit our Web site at [www.fedex.com](http://www.fedex.com)

By using this Airbill you agree to the service conditions on the back of this Airbill and in our current Service Guide, including terms that limit our liability.

0133952780



## 4a Express Package Service

☐ FedEx Priority Overnight Next business morning

☒ FedEx Standard Overnight Next business afternoon

Packages up to 150 lb

☐ FedEx First Overnight Earliest next business morning delivery to select locations

☐ FedEx 2Day\* Second business day

☐ FedEx Express Saver\* Third business day

\* FedEx Envelope/Letter Rate not available Minimum charge: One-pound r

## 4b Express Freight Service

Packages over 150 lb

☐ FedEx 1Day Freight\* Next business day

☐ FedEx 2Day Freight Second business day

☐ FedEx 3Day Freight Third business day

\* Call for Confirmation.

## 5 Packaging

\* Declared value limit \$

☒ FedEx Envelope/Letter\*

☐ FedEx Pak\*

☐ Other Pkg. Includes FedEx Box, FedEx Tube, and customer pkg.

## 6 Special Handling

Include FedEx address in Section 3.

☐ SATURDAY Delivery Available for FedEx Priority Overnight and FedEx 2Day to select ZIP codes

☐ SUNDAY Delivery Available for FedEx Priority Overnight to select ZIP codes

☐ HOLD Weekday at FedEx Location Not available with FedEx First Overnight

☐ HOLD Saturday at FedEx Location Available for FedEx Priority Overnight and FedEx 2Day to select locations

Does this shipment contain dangerous goods? One box must be checked.

☒ No

☐ Yes As per attached Shipper's Declaration

☐ Yes Shipper's Declaration not required

☐ Dry Ice Dry Ice, UN 1845

Dangerous Goods cannot be shipped in FedEx packaging.

☐ Cargo Aircraft Only

## 7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

☒ Sender Acct. No. in Section 1 will be billed.

☐ Recipient

☐ Third Party

☐ Credit Card

☐ Cash/Check

FedEx Acct. No. Credit Card No.

Exp. Date

Total Packages

Total Weight

Total Declared Value†

1

\$ 100.00

† Our liability is limited to \$100 unless you declare a higher value. See back for details.

FedEx Use Only

## 8 Release Signature

Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

359

SPR 0100 - Rev. Date 8/99 - Part # 154813 - © 1994-99 FedEx - PRINTED IN U.S.A.

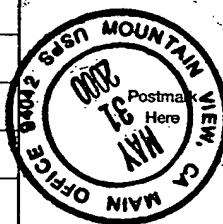


**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

Article Sent To:

Jay Li

Postage	\$ 0.33
Certified Fee	1.40
Return Receipt Fee. (Endorsement Required)	1.25
Restricted Delivery Fee. (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 2.98</b>



Name (Please Print Clearly) (To be completed by mailer)

Jay Li

Street, Apt. No., or PO Box No.

75 Poncetta Dr #2

City, State, ZIP+4

Daly City CA 94015

PS Form 3800, July 1999

See Reverse for Instructions

7099 3220 0000 2539 3770